

Appl. No. 10/803,244
Reply to Examiner's Action dated 03/28/2006

REMARKS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

In the present response, the Applicants have amended Claims 1, 4, 6-8 and canceled Claim 2-3. These amendment are allowable under 37 C.F.R. § 1.116(b) for the following reasons: The cancellation of Claims 2-3 is allowed under 37 C.F.R. § 1.116(b)(1). Amendments to Claims 4, 6-8 and 21-24 are allowed under 37 C.F.R. § 1.116(b)(1) because they are made to comply with the Examiner's requirement of form set forth in the Office Actions mailed November 30, 2005 and March 28, 2006. The amendment to Claim 1 is allowed under 37 C.F.R. § 1.116(b)(3) because it was made necessary by the Examiner's rejection of this claim in the Office Action mailed March 28, 2006, and was not earlier presented because it was not apparent to the Applicants that the language in Claim 1 needed clarification. Accordingly, Claims 1, 4-9 and 21-24 are currently pending in the application.

I. Rejection of Claims 1, 5 and 9 under 35 U.S.C. §102

The Examiner has rejected Claims 1, 5, and 9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application 2004/0185600 to Kagan, et al., ("Kagan"). The Applicants respectfully disagree because Kagan, as applied by the Examiner, does not teach first and second electrodes that are in contact with opposite sides of the electrode insulating layer, as recited in Claim 1. For example, the source or drain electrodes 552, 553 shown in Figure 5 of Kagan are in contact with the same side of dielectric layer 551.

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Therefore, Kagan does not disclose each and every element of the claimed invention and as such, is not an anticipating reference of Claim 1. Because Claims 5 and 9 are dependent upon and include all the elements of Claim 1, Kagan also cannot be an anticipating reference for these claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1, 5 and 9.

II. Allowable Subject Matter

In the Office Action mailed November 30, 2005, the Examiner indicated that dependent Claims 4, 6-8 are allowable, if rewritten in independent form. The Applicants have so amended these claims. Claim 4 is amended to incorporate the elements of Claims 1-3 as written at the time of the November 30, 2005 Office Action. Each of Claim 6, 7, and 8 are amended to incorporate the elements of Claim 1 as written at the time of the November 30, 2005 Office Action.

In the Office Action mailed March 28, 2006, the Examiner indicated that Claims 21-24 are allowable, if rewritten in independent form. The Applicants have so amended these claims. Each of Claims 21-24 are amended to incorporate the elements of Claim 1 as written at the time of the March 28, 2006 Office Action.

Accordingly, the Applicants respectfully request the Examiner to pass Claims 4, 6-8 and 21-24 to issue.

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III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 1, 4-9 and 21-24.

It is not believed that any fees are due regarding this matter, however, the Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,
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